

**PATENT**  
Attorney Docket No. UM-06192

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Blake J. Roessler *et al.*  
Serial No.: 09/867,930  
Filed: 05/30/01  
Entitled: Nanoemulsion Formulations

Group No.: 1635  
Examiner: Epps

**INFORMATION DISCLOSURE  
STATEMENT TRANSMITTAL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 17, 2003.

By: 

Mary Ellen Waite

Sir or Madam:

Enclosed please find an Information Disclosure Statement and Form PTO-1449, including copies of the references contained thereon, for filing in the U.S. Patent and Trademark Office.

A check for \$180.00 is also enclosed pursuant to 37 C.F.R. § 1.17(p) for filing this Information Disclosure Statement after three months as set forth in C.F.R. § 1.97(c).

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: April 17, 2003

  
Tanya A. Arenson  
Registration No. 47,391

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608/218-6900

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**INFORMATION DISCLOSURE STATEMENT**

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The citations listed below, copies attached, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

The following printed publications are referred to in the body of the specification:

- U.S. Patent No. 5,595,978
- U.S. Patent No. 5,475,096
- U.S. Patent No. 5,270,163
- U.S. Patent No. 5,718,914
- Roberton, *Nature Biotechnology*, 15:209 [1997]
- Joel L. Zatz, *Skin Permeation: fundamental and application*, Allured Pub. Co., Wheaton, IL, 1993, Chapter 4 'In vitro Methods for Measuring Skin Permeation', pgs 93-111, and see Example 5)
- Rieger, in "Pharmaceutical Dosage Forms: Disperse Systems, Vol. 1, Lieberman, Rieger and Banker, Eds., Marcel Dekker, Inc., New York, NY, 1988, p. 285
- Osborne *et al.*, *Pharmaceutical Technology*, pgs 58-60, [Nov. 1997]

- Rosoff, in *Pharmaceutical Dosage Forms: Disperse Systems*, Vol. 1, Lieberman, Riegar and Banker, Eds., Marcel Dekker, Inc., New York, NY, 1988, p. 245
- Tomalia, *Advanced Materials* 6:529 [1994]
- Tomalia *et al.*, *Angew. Chem. Int. Ed. Engl.*, 29:138 [1990]
- Pennington *et al.*, *Ailment Pharmacol. Ther.*, 1995
- Raczka, *et al.*, *Gene Ther.*, 5:1333 [1998]
- Sant *et al.*, *Hum. Gene Ther.*, 9:2735 [1998]
- Niemiec, *et al.*, *J. Pharm Sci.*, 86:(6)701-708 [1997]
- Yu *et al.*, *J. Invest. Dermatol.*, 112:370-375 (1999)
- Fan *et al.*, *Nat. Biotechnology*, 17:870-872, [1999]
- Nuovo G.J., "PCR in situ Hybridization", Raven Press, New York, pp. 54-246 (1994)
- Foreman *et al.*, *J. Clin. Invest.*, 99:2971-2978 (1997)
- Haverkos *et al.* *N. Engl. J. Med* 312:1518 [1985]
- Robbins *et al.* "Basic Pathology" p. 286 (W. B. Saunders Co., 2d ed. 1976)

The below references were cited in the copending International PCT Application No. PCT/US01/40825 International Search Report, Date of Mailing 28/02/02.

- WO 94/08605
- WO 99/60012
- WO 99/21533
- Schmalfuss *et al.*, *Journal of Controlled Release*, 46:279-285 (1997)
- Delgado-Charro *et al.*, *European Journal of Pharmaceutics And Biopharmaceutics*, 43:37-42 (1997)

This Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these citations constitutes prior art.

Dated: April 17, 2003



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<b>FORM PTO-1449</b> Commerce (Modified)		U.S. Department of Patent and Trademark Office		Attorney Docket No.: UM-06192		Serial No.: 09/867,930	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use Several Sheets If Necessary)				Applicant: Blake J. Roessler <i>et al.</i>			
(37 CFR § 1.98(b))				Filing Date: 05/30/01		Group Art Unit:	

  

U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
	1	5,595,978					
	2	5,475,096					
	3	5,270,163					
	4	5,718,914					

  

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS								
		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
	5	WO 94/08605	28 April 1994	PCT				
	6	WO 99/60012	25 Nov 1999	PCT				
	7	WO 99/21533	6 May 1999	PCT				

  

OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)		
8	Robertson, <i>Nature Biotechnology</i> , 15:209 [1997]	
9	Joel L. Zatz, <i>Skin Permeation: fundamental and application</i> , Allured Pub. Co., Wheaton, IL, 1993, Chapter 4 'In vitro Methods for Measuring Skin Permeation', pgs 93-111, and see Example 5)	
10	Rieger, in "Pharmaceutical Dosage Forms: Disperse Systems, Vol. 1, Lieberman, Rieger and Banker, Eds., Marcel Dekker, Inc., New York, NY, 1988, p. 285	
11	Osborne <i>et al.</i> , <i>Pharmaceutical Technology</i> , pgs 58-60, [Nov. 1997]	
12	Rosoff, in <i>Pharmaceutical Dosage Forms: Disperse Systems, Vol. 1, Lieberman, Rieger and Banker, Eds., Marcel Dekker, Inc., New York, NY, 1988, p. 245</i>	
13	Tomalia, <i>Advanced Materials</i> 6:529 [1994]	
14	Tomalia <i>et al.</i> , <i>Angew. Chem. Int. Ed. Engl.</i> , 29:138 [1990]	
15	Pennington <i>et al.</i> , <i>Allment Pharmacol. Ther.</i> , 1995	
16	Raczka, <i>et al.</i> , <i>Gene Ther.</i> , 5:1333 [1998]	
17	Sant <i>et al.</i> , <i>Hum. Gene Ther.</i> , 9:2735 [1998]	
18	Niemiec, <i>et al.</i> , <i>J. Pharm. Sci.</i> , 86:(6)701-708 [1997]	
19	Yu <i>et al.</i> , <i>J. Invest. Dermatol.</i> , 112:370-375 (1999)	
20	Fan <i>et al.</i> , <i>Nat. Biotechnology</i> , 17:870-872, [1999]	
21	Nuovo G.J., "PCR in situ Hybridization", Raven Press, New York, pp. 54-246 (1994)	
22	Foreman <i>et al.</i> , <i>J. Clin. Invest.</i> , 99:2971-2978 (1997)	
23	Haverkos <i>et al.</i> <i>N. Engl. J. Med</i> 312:1518 [1985]	
24	Robbins <i>et al.</i> "Basic Pathology" p. 286 (W. B. Saunders Co., 2d ed. 1976)	
25	Schmalzuss <i>et al.</i> , <i>Journal of Controlled Release</i> , 46:279-285 (1997)	
26	Delgado-Charro <i>et al.</i> , <i>European Journal of Pharmaceutics And Biopharmaceutics</i> , 43:37-42 (1997)	

  

Examiner:	Date Considered:
<b>EXAMINER:</b> Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	